

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GREY MATTER MEDICAL
PRODUCTS, LLC,

Plaintiff,

v.

SCHREINER GROUP LIMITED
PARTNERSHIP, et al.,

Defendants.

CASE NO. C13-5861 BHS

ORDER DENYING PLAINTIFF'S
AND DEFENDANTS' MOTIONS
TO COMPEL

This matter comes before the Court on Defendants Schreiner Group GMBH & Co KG and Schreiner Group Limited Partnership's ("Schreiner") motion to compel (Dkt. 36) and Plaintiff Grey Matter Medical Products, LLC's ("Grey Matter") motion to compel (Dkt. 37).

On September 8, 2014, the parties filed the instant motions requesting that the Court order the opposing parties to produce certain information. According to the response and reply briefs, the majority of the issues have been resolved and only two issues remain. First, in its reply, Grey Matter requests additional discovery based on the

1 subsequent material produced by Schreiner. Dkt. 47 at 6. Schreiner filed a surreply
2 requesting that the Court strike the improperly presented request because it is additional
3 discovery beyond the scope of the original motion. Dkt. 51. The Court agrees that the
4 request is improperly presented in a reply brief, and, in any event, Grey Matter has failed
5 to show that the additional information has properly been requested from and denied by
6 Schreiner. Based on the briefs, the information seems relevant and the Court encourages
7 the parties to work together to obtain the information and limited additional deposition
8 without further requests of the Court. Therefore, the Court **DENIES** Grey Matter's
9 motion.

10 Second, Schreiner requests that the Court award it \$1,249.40 in expenses. Dkt. 45
11 at 6. Schreiner requests this amount based on the expenses it incurred in its unsuccessful
12 attempts to serve Grey Matter's fact witness, Christopher Buck. *Id.* The Court declines
13 to enter such an award. Therefore, the Court **DENIES** Schreiner's motion.

14 **IT IS SO ORDERED.**

15 Dated this 21st day of October, 2014.

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BENJAMIN H. SETTLE
United States District Judge